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ELECTRO SOURCE, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IMMERSION CORPORATION,

Plaintiff,

vs.

ELECTRO SOURCE, LLC,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C-04-04040 CW (WDB)

**STIPULATION AND ORDER
EXTENDING PATENT LOCAL RULE 4-3
DATE AND CORRESPONDING CLAIM
CONSTRUCTION DISCOVERY CUTOFF
DATE**

1 Plaintiff Immersion Corporation (“Immersion”) and Defendant Electro Source, LLC
2 (“Electro Source”), hereby stipulate as follows:

3 WHEREAS, the Court ordered on May 10, 2005 (docket entry 30) that the parties’ Patent
4 Local Rule 4-3 Joint Claim Construction and Prehearing Statement (“Joint Claim Construction
5 Statement”) must be filed by Friday, July 29, 2005;

6 WHEREAS, the Court also ordered on May 10, 2005 that claim construction discovery
7 must be completed by August 26, 2005, four weeks after the due date for the Joint Claim
8 Construction Statement;

9 WHEREAS, Immersion and Electro Source have met and conferred pursuant to Patent
10 Local Rule 4-3 in an attempt to narrow claim construction disputes and timely file their Joint
11 Claim Construction Statement;

12 WHEREAS, Immersion and Electro Source believe that additional time is necessary to
13 work through the numerous claim construction disputes the parties have identified through the
14 meet and confer process;

15 WHEREAS, the additional time requested by the parties may help narrow the issues
16 ultimately presented to the Court in the Joint Claim Construction Statement and/or later claim
17 construction briefing;

18 WHEREAS, the fact discovery cutoff in this case is currently set for October 7, 2005, the
19 claim construction hearing is not scheduled until February 17, 2006, and trial is not scheduled to
20 begin until October 10, 2006; and

21 WHEREAS, adding additional time to the due dates for the Joint Claim Construction
22 Statement and the Claim Construction Discovery Cutoff will thus have no effect on any other
23 dates pending in the litigation;

24 THEREFORE, the parties stipulate to reschedule the date for filing the Patent Local Rule
25 4-3 Joint Claim Construction and Prehearing Statement to Friday, September 9, 2005, and to
26 extend the date for Claim Construction Discovery Cutoff to be the same as the date for fact
27 discovery cutoff in the litigation.
28

1 Dated: July 28, 2005,

IRELL & MANELLA LLP

2 By: /s/ Richard G. Frenkel

3 Richard G. Frenkel

4 Attorneys for Plaintiff
IMMERSION CORPORATION

6
7 Dated: July 28, 2005,

RUSS, AUGUST & KABAT

8 By: /s/ Marc A. Fenster

9 Marc A. Fenster

10 Attorneys for Defendant
ELECTRO SOURCE, LLC

11
12 IT IS SO ORDERED.

13 Dated: __August 10, 2005

/s/ CLAUDIA WILKEN

14 The Honorable Claudia Wilken
15 United States District Judge

DECLARATION OF CONSENT

I, Richard G. Frenkel, hereby declare under penalty of perjury under the laws of the State of California and the United States of America that the following is true and correct:

1. Concurrence in the filing of STIPULATION AND [PROPOSED] ORDER EXTENDING PATENT LOCAL RULE 4-3 DATE AND CORRESPONDING CLAIM CONSTRUCTION DISCOVERY CUTOFF DATE has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document.

2. I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action pursuant to General Order 45 of the United States District Court for the Northern District of California.

Executed in Los Angeles, California on July 28, 2005.

Dated: July 28, 2005

/s/ Richard G. Frenkel
Richard G. Frenkel

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Richard G. Frenkel

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Immersion Corporation